IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1273 OF 2003

IN

SUIT NO.1199 OF 2001

Siraz Abdul Hussein Contractor & ors. Plaintiff

versus

Mohd Farid Abdulla Saudagar & ors. Defendants

...

Mr. S.W.Kulkarni for Plaintiff.

Mr.P.N.Patwardhan for Defendants.

CORAM : D.G. KARNIK, J

DATED : 1st April, 2005.

P.C:-

1. Heard learned counsel for the parties. This motion is taken out by the defendants for setting aside of an ad interim order passed by this court on 28th November, 2002 in Notice of Motion No. 864 of 2001.

2. Ad interim order was passed on 28th November, 2002

and the present motion has been taken out on 19th April, 2003. Delay in taking out the motion has not been satisfactorily explained.

3. Even otherwise, I do not find any reason to modify the ad interim order passed by this court on 28th November, 2002. Receiver was appointed by the said order. Receiver has already taken symbolic possession of the premises on 17th December, 2002. Thereafter, the defendant no.1 was appointed as agent of the receiver and has already executed a royalty agreement.

4. Though receiver took symbolic possession on 17th December, 2002 the defendants in any event became aware of the appointment of the receiver and yet did not move the court for four months and that delay is also not satisfactorily explained. Even otherwise, I do not find any reason to modify the ad interim order passed by this court. Hence, Motion is dismissed.

D.G.KARNIK, J